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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,232	01/30/2004	Elliot A. Gottfurcht	4346P001DC2	6205

8791 7590 07/05/2007
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

NGUYEN, LE V

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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07/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/768,232	Applicant(s) GOTTFURCHT ET AL.	
	Examiner Le Nguyen	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 6-15 and 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :6/8/04, 7/13/04, 2/7/05, 8/3/05, 4/6/07.

DETAILED ACTION

1. This communication is responsive to a communication filed 3/20/07.
2. Claims 1-21 are pending in this application; and, claims 1 and 15 are independent claims. Claims 6-15 and 19-21 are drawn to the non-elected claims and are withdrawn from consideration.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-5 and 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "matrix" is a mathematical term and appears to contradict applicant's definition that a matrix is an image map having each navigation option paired with an input such that, for example, pressing a single key activates that navigation option wherein it is not necessary that all layers of the matrix have the same number of cells, nor is it required that all cells have the same size. Therefore, the office will accordingly interpret "matrix" to mean an image map having each navigation option paired with an input.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. ("Ellis") in view of Croy et al. ("Croy").

As per claim 1, although Ellis teaches a method comprising receiving a first key press event at a processor in a client node displaying a navigation image map (figs. 5-6; paragraphs [0049], [0050] and [0068]-[0070]; the client accesses program guide server 25 retrieves program guide data stored on storage device 56 from Internet service system 61, which maybe located at a facility separate from television distribution facility 16, wherein 25 and 61 may be integrated into one system and wherein the program guide may present program listings displayed using any table or grid arrangement and organized according to one or more criteria such as by time 120, by channel or by category 106 via suitable key press on remote control 40 from menu 102) and forwarding the key press event across a WAN to a server node and receiving a next deeper navigation layer (figs. 5-6; paragraphs [0070]-[0071]; passing on the key press event across a WAN to retrieve data from the Internet from a web server and receiving a next deeper navigation layer such as depicted in fig. 6), Ellis does not explicitly disclose the navigation image map being a navigation matrix image map, i.e. having each navigation option paired with an input. Croy teaches an image map having each

navigation option paired with an input (figs. 3C; col. 7, lines 46-64; col. 9, lines 27-31; a navigation option is paired with an input such that pressing one of the single/dedicated key 312 on the remote controller 200 activates a navigation option displayed on screen 240 or 140). It would have been obvious to an artisan at the time of the invention to incorporate the method of Croy with the method of Ellis given that dedicated keys or shortcut keys are often used to quickly accomplish tasks performed frequently.

As per claim 2, the modified Ellis teaches a method comprising iteratively receiving additional key press events and corresponding matrix layers until a maximum depth of a navigation path is reached (Ellis: figs. 5-6; paragraphs [0070]-[0071]; Croy: col. 9, lines 27-31).

As per claim 3, the modified Ellis teaches a method comprising receiving a content layer once the maximum depth is reached (Ellis: paragraphs [0083] and [0110]; e.g. one would get additional information on a product by selecting an advertisement or a listing screen by indicating a desire to access a listing for an expression wherein a content layer may or may not include cells in addition to content).

As per claim 4, the modified Ellis teaches a method comprising: determining if a second key press event corresponds to a composition cell (Ellis: e.g. composition cell/search cell 106), entering a composition mode if the second key press corresponds to a composition cell and returning to a navigation mode responsive to a predetermined signal (paragraph [0083]; user may return to a navigation mode via a predetermined signal such as when indicating a desire to access listing for an expression).

As per claim 5, the modified Ellis teaches a method wherein a composition cell is any cell that permits user text input (Ellis: fig. 9b; paragraphs [0080]-[0081]).

As per claim 16, the modified Ellis teaches a method wherein the client node comprises a television (Ellis: paragraphs [0049]-[0050]).

As per claim 17, the modified Ellis teaches a method wherein the first key press event occurs on a remote control for one of the television and a set top box (Ellis: figs. 2a and 2b; paragraphs [0049]-[0050], [0068]).

As per claim 18, the modified Ellis teaches a method wherein the navigation matrix layer is a substantially uniform grid of cells (Ellis: paragraph [0069]).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kurita (US 5,353,016) teaches a remote commander with exchangeable operating card for input.

Herz (US 6,407,779 B1) teaches a method and apparatus for an intuitive universal remote control system.

Yokota (US 7,051,281 B1) teaches a remotely controllable UI display apparatus and method of controlling the same, the remote control performed using a virtual control panel having the appearance of the actual control panel wherein the virtual control panel is created by utilizing the control-panel data.

Saib (US 6,317,706 B1) teaches a simulation development tool that produces a control code associated with a remote control that is identical to the control code that would be produced by a hardware remote control.

Kushiro et al. (US 6,285,357 B1) teach a display picture shown are identical with those in the remote control device/unit 100.

Martin, Jr. et al. (US 6,509,913 B2) teach a configurable man-machine interface.

Chamley et al. (US 6,804,786 B1) teach a user customizable secure access token and multiple level portable interface.

Inquires

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
June 4, 2007

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100